IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 5TH JANUARY 2007 / 15TH PAUSHA 1928

WP(C).No. 34499 of 2006(F)

PETITIONER:

BABY, AGED 60 YEARS,
W/O. LATE C.K. RAMAKRISHNAN,
CHEMMALIL HOUSE, MANNAMTHURUTH,
VARAPPUZHA.

BY ADV. SRI.P.K.SAJEEV
SRI.JACOB GEORGE (PARAVUR)

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY ITS
SECRETARY TO EXCISE DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE WELFARE FUND INSPECTOR,
TODDY WORKERS WELFARE FUND, ERNAKULAM.

3. THE TAHSILDAR (R.R.)
TALUK OFFICE, NORTH PARAVUR.

4. THE VILLAGE OFFICER,
VILLAGE OFFICE, VARAPPUZHA.

5. K.K. PARAMESWARAN,
AGED 65 YEARS, ARUN VIHAR, B.T.S. ROAD,
EDAPPALLY, KOCHI-24.

R1,3&4 BY G.P. SRI.I.V.PROMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.34499 of 2006

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Dated this the 5th day of January, 2007.

JUDGMENT

The prayer in the W.P. is for direction to respondents 2 to 4 to proceed against 5th respondent for recovery of arrears of Toddy Workers Welfare Fund for the reason that he is also a partner in the business. Since partners are jointly and severally liable, the petitioner cannot challenge recovery proceedings as he is admittedly a partner. Dispute between partners have to be settled elsewhere. In the circumstances, W.P. is closed.

C.N.RAMACHANDRAN NAIR
Judge

pms